

**DURHAM, NORTH CAROLINA  
TUESDAY, JANUARY 21, 2003  
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Absent: None.

Also present: City Manager Marcia Conner, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with the Pledge of Allegiance.

The Mayor read a proclamation declaring January 20-26, 2003 as Jaycees Week and announced effective February 6, 2003, City Council Work Sessions will begin at 1:00 p.m. instead of 12:00 noon.

City Manager Conner reported the Coffee with Council for District 2 has been changed to March 10 rather than February 10 from 6 – 8 p.m. at E. K. Powe Elementary School.

Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk. [There were no priority items].

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. Items 2 [Downtown Design Review Team], 6 [Major Site Plan - Southpoint Village], 7 [Bids – Asphaltic Concrete], and 46 [2003 Legislative Program] were pulled from the Consent Agenda.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the Consent Agenda as amended was approved at 7:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**[CONSENT AGENDA]**

**SUBJECT: APPROVAL OF CITY COUNCIL MINUTES FOR DECEMBER 16, 2002**

*This item was referred back to the City Clerk.*

**SUBJECT: PASSENGER VEHICLE FOR HIRE COMMISSION - APPOINTMENTS**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to reappoint Danny Blackwell; Barbara Payne; and appoint Alfred Clark to the Passenger

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Vehicle For Hire Commission with terms expiring January 1, 2006 was approved at 7:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: RALEIGH-DURHAM AIRPORT AUTHORITY - APPOINTMENT**

To appoint a citizen to fill one (1) vacancy on the Raleigh-Durham Airport Authority-term expiring January 1, 2005.

*This item was moved to the January 23, 2003 Work Session.*

**SUBJECT: CONTRACTS**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute the following list of contracts; and

To authorize the City Manager to make changes to the following list of contracts before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of the contracts was approved at 7:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

CONTRACTOR	DEPT	CT AMOUNT
Brandywine Rose, LLC	PW	na
Emmanuel Pentecostal Temple of Durham, Inc	PW	NA
GAR, Inc	PW	na
WP Lofts, LLC	PW	na
Ticon Properties, LLC	PW	na
Darian Stokes	P&R	\$ 4,000.00
James Green	P&R	\$ 1,500.00
Molly McMullen	P&R	\$ 1,000.00
Gregory Jackson	P&R	\$ 500.00
Fettion Smith	P&R	\$ 450.00
Herbert Criss	P&R	\$ 450.00
Anthony Pough	P&R	\$ 600.00
Ahmed Mohammed	P&R	\$ 2,500.00
Eric Evans	P&R	\$ 1,008.00
Omar Travis	P&R	\$ 2,000.00
Derrick Best	P&R	\$ 450.00
Marcus Joiner	P&R	\$ 2,000.00
Fredrick Kearns	P&R	\$ 1,000.00
Gregory Alston	P&R	\$ 600.00
Athan Marshall	P&R	\$ 600.00
Isaac Hall	P&R	\$ 600.00

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Gregory Jackson	P&R	\$ 600.00
Michael Wright	P&R	\$ 600.00
James Winston	P&R	\$ 600.00
John Melvin	P&R	\$ 600.00
Terry Walker	P&R	\$ 600.00
Keith Samuel	P&R	\$ 1,000.00
Jennifer Watson	P&R	\$ 1,400.00
Edwin Dennis	P&R	\$ 2,000.00
Shonta Tabourn	P&R	\$ 855.00
Delores NapperBey	P&R	\$ 2,400.00
Sterling Minor	P&R	\$ 600.00
Steven Burger	P&R	\$ 800.00
Kendra Timberlake	P&R	\$ 1,676.25
Mary Beth Boxler	P&R	\$ 600.00
Healing Water Inc	P&R	\$ 1,000.00
Michelle Gray	P&R	\$ 1,100.00
Charlotte Koran	P&R	\$ 1,700.00
Leroy Sexton	P&R	\$ 3,000.00
Barry Garrett	P&R	\$ 430.00
Ricky Daye	P&R	\$ 2,800.00
Dennis Roberts	P&R	\$ 1,600.00
Ricky Daye	P&R	\$ 500.00
Bonnie Daye	P&R	\$ 1,800.00
Richard Moore	P&R	\$ 800.00
Gary Thompson	P&R	\$ 600.00
Edwin Dennis	P&R	\$ 500.00
Fredrick Adam	P&R	\$ 1,000.00
Delores NapperBey	P&R	\$ 750.00
Kendy Madden	P&R	\$ 1,000.00
Sheila Kendrick	P&R	\$ 1,000.00
Brenda Thompson	P&R	\$ 1,000.00
Edwin Dennis	P&R	\$ 500.00
Russell Kretz	P&R	\$ 1,500.00
Barbara Yost	P&R	\$ 884.00
Elizabeth Colquitt	P&R	\$ 2,500.00
RGO Enterprises	Housing	\$ 13,285.00

**SUBJECT: BID REPORT – NOVEMBER 2002**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve and record in the minutes the following bids which were acted upon by the City Manager during the month of November 2002 was approved at 7:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**CITY OF DURHAM NORTH CAROLINA**

**JANUARY 21, 2003**

December 13, 2002

MEMO TO: Marcia L. Conner, City Manager  
THROUGH: Kenneth C. Pennoyer, Acting Finance Director  
FROM: Joseph W. Clark, Purchasing Manager  
SUBJECT: Bid Report

To approve and record in the minutes bids which were acted upon by the City Manager during the month of November 2002.

Apparatus, Supplies, Materials, Equipment, Construction and Repairwork:

**1. Bid: Contract Extension – Janitorial Services for Parks & Recreation**

Purpose of Bid: To provide an additional three (3) months janitorial service.

Comments: The Parks & Recreation Department is scheduled to move to their new location at the PSNC building. However, an exact date has not been given and this service is needed until the department moves.

Opened: January 26, 2000

Bidders: LPSC Cleaning Service                      \*\$715.00/month  
                 Durham, NC                                      \$2,145.00/3months

\*Awarded based on: \_\_\_\_\_ Low Bid    X Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	6		# Black Males	2	30%
Total # Females	4	70%	# White Males	0	0%
Total # Males	2	30%	# Other Males	0	0%
			# Black Females	4	70%
			# White Females	0	0%
			# Other Females	0	0%

Performance Bond: \_\_\_\_\_ Waived                      \_\_\_\_\_ Not Waived                      X Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**2. Bid: Contract Extension – Estimated Two (2) Years Requirements for Concrete Meter Boxes**

Purpose of Bid: To provide the Public Works/Water & Sewer Maintenance division with their usage of concrete meter boxes.

Comments: Oldcastle has agreed to extend with no price increase for the duration of the contract.

**JANUARY 21, 2003**

Opened: September 5, 2000

Bidders: Oldcastle Precast  
Concord, NC \*\$78,820.00

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	31		# Black Males	6	19%
Total # Females	2	06%	# White Males	16	52%
Total # Males	29	94%	# Other Males	7	23%
			# Black Females	0	0%
			# White Females	1	03%
			# Other Females	1	03%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**3. Bid: Contract Extension – Estimated Annual Requirements for Lubricants (motor oils, anti-freeze, etc)**

Purpose of Bid: To provide City Departments/Divisions with their needed requirements for lubricants.

Comments: Couch Oil Company has agreed to extend this contract an additional 12 months at the same terms and conditions of the previous contract.

Opened: December 4, 2000

Bidders: Couch Oil Company  
Durham, NC \*\$46,190.60

\*Awarded based on: ☐ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	10		# Black Males	3	30%
Total # Females	2	20%	# White Males	5	50%
Total # Males	8	80%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	2	20%
			# Other Females	0	0%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**4. Bid: Contract Extension – Estimated Annual Requirements for Heating Fuel, Kerosene and On/Off Road Diesel Fuel**

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**(Automatic Fill-Up/Tankerwagon)**

Purpose of Bid: To provide City Departments/Divisions with their needed requirements for heating fuel, kerosene and on/off road diesel fuel.

Comments: Couch Oil Company has agreed to extend this contract an additional 12 months at the same terms and conditions of the previous contract.

Opened: December 4, 2000

Bidders: Couch Oil Company \*\$84,631.25  
Durham, NC

\*Awarded based on: \_\_\_\_\_ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	10		# Black Males	3	30%
Total # Females	2	20%	# White Males	5	50%
Total # Males	8	80%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	2	20%
			# Other Females	0	0%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**5. Bid: Contract Extension – Estimated A/R for Ammonium Hydroxide**

Purpose of Bid: To provide Environmental Resources with the annual requirements for Ammonium Hydroxide. This chemical is used in the drinking water process.

Comments: Brenntag Southeast has agreed to extend this contract an additional 12 months at the same terms and conditions of the previous contract.

Opened: December 10, 2001

Bidders: Brenntag Southeast, Inc. \*\$70,000.00  
Durham, NC

\*Awarded based on: ☒ Low Bid \_\_\_\_\_ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	265		# Black Males	90	33%
Total # Females	65	25%	# White Males	106	40%
Total # Males	200	75%	# Other Males	04	02%
			# Black Females	07	03%
			# White Females	58	22%

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# Other Females 00 00%

**LOCATION OF PERFORMING CONTRACT**  
Durham, North Carolina

Total Workforce	127		# Black Males	50	39%
Total # Females	35	28%	# White Males	40	33%
Total # Males	92	72%	# Other Males	02	01%
			# Black Females	03	02%
			# White Females	32	25%
			# Other Females	00	00%

Performance Bond: \_\_\_\_\_ Waived      X Not Waived      \_\_\_\_\_ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**6. Bid: GPS Equipment**

Purpose of Bid: To provide the Public Works Department with GPS equipment.

Comments: The bid from Clausen Instrument Company did not meet specifications in the following areas:

- Missing costs for items 8, 10, 17 through 23, 29, and 37
- GPS receiver performance specifications provided for reliability (67%), which is significantly less than the required 99%
- GPS receiver performance specifications provided for an error in accuracy of 1ppm static, 2ppm kinematic, which are double that of the required 0,5 ppm static, 1ppm kinematic.
- No range was specified in the GPS receiver performance standards
- Cost of antenna Cable is for a 30m instead of the required 40m

The bid response from Earl Dudley Associates is fully compliant with the bid requirements.

Opened: October 21, 2002

Bidders:	Clausen Instrument Company, Inc.	\$73,505.00
	Raleigh, NC (does not meet specifications)	
	Earl Dudley Associates, Inc.	* \$79,920.35
	Charlotte, NC	
	Leica Geosystems, Inc.	\$88,550.00
	Norcross, GA	

\*Awarded based on: \_\_\_\_\_ Low Bid    X Other (See Comments)

**WORKFORCE STATISTICS**  
**CORPORATION STATISTICS**

Total Workforce	40		# Black Males	27	67.5%
Total # Females	12	30%	# White Males	1	2.5%
Total # Males	28	70%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	11	27.5%
			# Other Females	1	2.5%

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Performance Bond:        ☐ Waived                ☐ Not Waived        ☒ Not Required

**7.        Bid:                Compact Track Loader**

Purpose of Bid:            To purchase a compact track loader for the Environmental Resources Department.

Comments:

Opened:                November 8, 2002

Bidders:	Triangle Equipment Company	* \$28,900.00
	Raleigh, NC	
	Gregory Poole Equipment Company	\$33,143.00
	Raleigh, NC	
	Briggs Construction Equipment Company	\$39,000.00
	Raleigh, NC	
	Senter Tractor Company	\$63,500.00
	Raleigh, NC	

\*Awarded based on: ☒ Low Bid    ☐ Other (See Comments)

**WORKFORCE STATISTICS**  
**CORPORATION STATISTICS**

Total Workforce	21		# Black Males	1	5%
Total # Females	4	19%	# White Males	16	76%
Total # Males	17	81%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	3	14%
			# Other Females	1	5%

Performance Bond:        ☐ Waived                ☐ Not Waived        ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (\*).

JWC:lm

**SUBJECT:   FEE   RESOLUTION   FOR   SALES   AND   SOLICITATION  
ORDINANCE**

To adopt a Resolution establishing fees and allowing limited credits and refunds for permits under Chapter 17 of the City Code.

*This item was moved to the 1-23-03 work session.*

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**SUBJECT: TERMINATION OF REVENUE RELATED TO THE NORTH CAROLINA POLICE CORPS PROGRAM**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt the Grant Project Ordinance #12592 for the North Carolina Department of Crime Control and Public Safety Police Corps Program was approved at 7:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**Ordinance #12735**

**SUBJECT: STREET ACCEPTANCE - ADLETT PARK, RIDGEWOOD-PHASE IV, ASHFIELD PLACE-PHASE I, VANTAGE POINTE, AND CROASDAILE FARM-PHASE VI**

To authorize the City Manager to accept certain streets in Adlett Park, Ridgewood-Phase IV, Ashfield Place-Phase I, Vantage Pointe, and Croasdaile Farm-Phase VI for maintenance by the City of Durham.

*This item was moved to the 1-23-03 work session.*

**SUBJECT: STOP SIGNS – OCEAN COURT, SUMMER BREEZE DRIVE, SUMMER STORM DRIVE, ROCKFORD ROAD; CHOWAN AVENUE**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance to authorize the installation of stop signs at the following locations was approved at 7:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

- a) Ocean Court at Summer Breeze Drive, northwest corner (Summer Meadows Subdivision);
- b) Summer Breeze Drive at Danube Lane, southwest corner, south intersection (Summer Meadows Subdivision);
- c) Summer Breeze Drive at Danube Lane, northeast corner, south intersection (Summer Meadows Subdivision);
- d) Summer Breeze Drive at Danube Lane, northeast corner, north intersection (Summer Meadows Subdivision);
- e) Summer Storm Drive at Danube Lane, northeast corner (Summer Meadows Subdivision);
- f) Rockford Road at Chowan Avenue, southeast corner (Emorywood Orchard); and
- g) Chowan Avenue at Kirby Street, southwest corner (Emorywood Orchard).

**Ordinance #12736**

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**SUBJECT: ON-STREET PARKING ORDINANCES – WILKERSON AVENUE,  
W. ENTERPRISE STREET, E. MAIN STREET**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance establishing handicap parking was approved at 7:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

- a) On the south side of Wilkerson Avenue, in the area beginning at a point 430 feet west of the west curb line of Buchanan Boulevard, if extended, and extending for a distance of 25 feet westward,
- b) On the south side of W. Enterprise Street, in the area beginning at a point 51 feet west of the west curb line of Scout Drive, if extended, and extending for a distance of 35 feet westward; and
- c) On the north side of E. Main Street, in the area beginning at a point 193 feet east of the east curb line of N. Briggs Avenue, if extended, and extending for a distance of 18' eastward.

**Ordinance #12737**

**SUBJECT: SPEED LIMIT REDUCTION – WOODCREST STREET,  
WEDGEDALE AVENUE, GLENDALE AVENUE, KEMMONT  
DRIVE, OCEAN COURT, SUMMER BREEZE DRIVE, SUMMER  
STORM DRIVE**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing a speed limit of 25 mph at the following locations was approved at 7:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

- a) On Woodcrest Street from Holloway Street to the end of city maintenance,
- b) On Wedgedale Avenue from Ruby Ridge Road to Howlett Place,
- c) On the entire length of Longwood Drive
- d) On Glendale Avenue from Markham Avenue to Trinity Avenue,
- e) On Kemmont Drive from Carpenter Fletcher Road to the end of city maintenance,
- f) On Ocean Court from Summer Breeze Drive to the end of City maintenance,
- g) On Summer Breeze Drive beginning at the north intersection of Danube Lane eastward to the end of City maintenance; and
- h) On Summer Storm Drive from Danube Lane to the end of City maintenance.

**Ordinance #12738**

**SUBJECT: SAFETY TRAINING CONTRACTS**

**JANUARY 21, 2003**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to contract with safety trainers who are selected through a RFQ process using a standard safety training services contract in an amount not to exceed \$25,000 for the period January 1 through June 30, 2003, and in an amount not to exceed \$50,000 per year for the period July 1, 2003 through June 30, 2005; and

To authorize the City Manager to make changes to the contract before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of the contract was approved at 7:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: REALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME FUNDS AND THE AMENDMENT TO THE FY 2001-2002 AND FY 2002-2003 CONSOLIDATED ACTION PLANS**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the reallocation of Community Development Block Grant (CDBG) and HOME funds (as shown in Attachment A as revised) and;

To adopt the Amendment to the FY 2001-2002 and FY 2002-2003 Consolidated Action Plans was approved at 7:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**ATTACHMENT A**

**REVISED (1-8-03)**

**FY 2002-2003 REPROGRAMMING**

Community Development Block Grant (CDBG) Program

Close-out of Grant Years FY 1993-1994 through FY 2000-2001  
Remaining Funds --- **\$106,340** (Reallocated to New Activities)

HOME Program

Close-out of Grant Years FY 1993-1994 through FY 2000-2001  
Remaining Funds --- **\$2,000,000** (Reallocated to New Activities)

**Total Remaining Funds --- \$2,106,340**

**AMENDMENT TO FY 2001-2002 CONSOLIDATED ACTION PLAN**

Community Development Block Grant (CDBG) Program

Allocations were decreased for the projects below as a result of FY 2001-2002 program income adjustments

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<u>Activity</u>	<u>Orig. Allocation (\$)</u>	<u>Decrease (\$)</u>	<u>Balance (\$)</u>
Program Income	400,000	229,622	170,378
Planning and Admin	382,000	84,020	297,980
Community Relations	75,000	20,633	54,367
Homeownership Counseling	47,394	4,204	43,190
Code Enforcement	328,903	14,565	314,338
Infrastructure			
Improvements	423,000	65,860	357,140
Weed and Seed Program	47,000	47,000	0
<b>Total</b>	<b>1,303,297</b>	<b>236,282</b>	<b>1,067,015</b>

<u>Activity</u>	<u>New Allocation (\$)</u>
Code Enforcement Inspectors in Low-Mod Areas (6 Positions)	125,000
Operation Breakthrough Head-Start Computers	35,000
Lead-Based Paint Inspectors (2 Positions)	60,000
Glendale Avenue Cul-De-Sac Construction	78,000
State Street	140,000
<b>Total</b>	<b>438,000</b>

### HOME Program

<u>Activity</u>	<u>Orig. Allocation(\$)</u>	<u>Increase (\$)</u>	<u>Balance (\$)</u>
City First-Time			
Homebuyers Program	500,000	100,000	600,000
Special Needs Housing-			
Shirley Strobel Place	0	470,000	470,000
<b>Total</b>	<b>500,000</b>	<b>570,000</b>	<b>1,070,000</b>

## Amendment to FY 2002-2003 Consolidated Action Plan

### Community Development Block Grant (CDBG) Program

<u>Activity</u>	<u>Orig. Allocation (\$)</u>	<u>Decrease (\$)</u>	<u>Balance (\$)</u>
Woolworth Building			
Demolition	100,000	100,000	0
Commercial Loan Pool	225,000	100,000	125,000
Infrastructure			
Improvements	423,000	150,000	273,000
<b>Total</b>	<b>748,000</b>	<b>350,000</b>	<b>398,000</b>

<u>Activity</u>	<u>Orig. Allocation (\$)</u>	<u>Increase(\$)</u>	<u>Balance (\$)</u>
UDI Business Incubator	0	50,000	50,000

### HOME Program

<u>Activity</u>	<u>Orig. Allocation (\$)</u>	<u>Increase (\$)</u>	<u>Balance (\$)</u>
Rental Housing-			
Rebuild Durham	0	380,000	380,000
Barnes Avenue Acquisition	0	700,000	700,000
Eagle Village –Colfax Street	0	100,000	100,000

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Proctor Street – DCLT	0	40,000	40,000
Section 8 Homeownership	0	300,000	300,000
Substantial Rehab (City)	0	200,000	200,000
<b>Total</b>	<b>0</b>	<b>1,720,000</b>	<b>1,720,000</b>

**SUBJECT: TAX COLLECTION OPTIONS PRESENTATION**

To receive the Administration's report on alternatives to Durham County collection for City of Durham property taxes.

*This item was moved to the 1-23-03 work session.*

**SUBJECT: COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE YEAR ENDED JUNE 30, 2002**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive the Comprehensive Annual Financial Report for the Year Ended June 30, 2001 was approved at 7:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: LANIER BLUM, PROGRAM DIRECTOR FOR THE REGIONAL CENTER FOR AFFORDABLE LIVING, TRIANGLE J COUNCIL OF GOVERNMENTS**

To announce and invite Council Members to a conference scheduled January 30, 2003 regarding Housing Opportunities in the Triangle for Local Government Leaders.

*Comments were received at the 1-09-03 work session.*

**SUBJECT: KAREN MONTGOMERY, ELIZABETH MARTINEZ, AND DR. KEN BROWN - MERCHANTS AT PHOENIX CROSSING SHOPPING CENTER**

To receive comments from merchants on the conditions at the Phoenix Crossing Center.

*Comments were received at the 1/09/03 work session and the administration will provide an update at the 1/23/03 work session.*

**SUBJECT: JAMES G. CHAVIS, JR.**

To receive comments from Mr. James G. Chavis, Jr. concerning a request for surplus homes on Barnes Avenue.

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*Comments were received at the 1-09-03 work session.*

**SUBJECT: CAROLINA RIVERA**

To receive comments from Carolina Rivera on a police investigation.

*Citizen was not present to speak at the 1-9-03 work session.*

**SUBJECT: BID REPORT – OCTOBER 2002 (JANITORIAL/CLEANING SERVICES FOR THE FIRE ADMINISTRATION BUILDING)**

To approve and record in the minutes bids which were acted upon by the City Manager during the month of October 2002 for janitorial/cleaning services for the fire administration building.

***By a vote of 7/0, this item was approved at the January 9, 2003 City Council Work Session.***

**1. Bid: Janitorial/Cleaning Services for the Fire Administration Building**

Purpose of Bid: To provide janitorial/cleaning services for the Fire Administration Building

Comments: Al's Cleaning was considered non-responsive due to incorrect/incomplete reference information. JD's Cleaning did not list references. The bid prices for Al's and JD's Cleaning were lower than the base cost estimated and considered to be too low to make a profit. After considerable review, checking references and evaluating the City's cost to clean this facility it is in the best interest to award the contract to LPSC Cleaning. Approximately 130 interested bidders received invitations to bid. Also, bids were advertised/mailed/solicited and picked-up. The Liveable Wage Provision is a part of this contract.

Opened: May 13, 2002

Bidders:	Al's Cleaning Durham, NC	(non-responsive)	\$685.00/mo
	JD's Cleaning Durham, NC	(non-responsive)	\$750.00/mo
	LPSC Cleaning Durham, NC		*\$1,400.00/mo
	Mother & Daughter Durham, NC		\$1,476.00/mo
	Quality Janitor Durham, NC		\$1,590.15/mo
	Tarheel Lawn & Bldg. Raleigh, NC		\$1,620.00/mo
	Singlemunns Services Garner, NC		\$1,650.00/mo

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Cotton's Janitorial Durham, NC	\$1,861.66/mo
LTB Cleaning Durham, NC	\$2,000.00/mo
Adequate Cleaning Durham, NC	\$2,482.00/mo
PHD Cleaning Bahama, NC	\$2,685.38/mo
Batson's Cleaning Durham, NC	\$3,504.00/mo
White Glove Cleaning Asheboro, NC	\$6,229.26/mo

\*Awarded based on: \_\_\_\_\_ Low Bid    ☒ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	6		# Black Males	2	33%
Total # Females	4	67%	# White Males	0	0%
Total # Males	2	33%	# Other Males	0	0%
			# Black Females	4	67%
			# White Females	0	0%
			# Other Females	0	0%

Performance Bond:        \_\_\_\_\_ Waived        \_\_\_\_\_ Not Waived        ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**SUBJECT:   DURHAM HOUSING AUTHORITY OPTION PROPERTY   -  
              LAUREL STREET, CALVERT PLACE, STOKES STREET,  
              ANGIER AVENUE, LYON STREET, RAMSEUR STREET AND  
              SUNSHINE LANE, PEABODY STREET**

To authorize the sale of 209-211, 212 and 214 Laurel Street, 0 and 1015 Calvert Place and 206 Stokes Street to the Durham Housing Authority provided the Housing Authority's application for tax credits is approved by August 31, 2003; and

To authorize the sale of 1008; 1010; 1012; 1014; 1016; 1022 and 1024 Angier Avenue to the Durham Housing Authority for homeownership provided the Housing Authority has begun construction by July 31, 2003; and

To authorize the sale of 218 Laurel Street, 1010, 1012, 1014 and 1016 Calvert Place, 303 Lyon Street, 1003, 1007, 1009 and 1103 Ramseur Street, 1001 and 1003 Sunshine Lane, and 1005 and 1105 Peabody Street to the Durham Housing Authority for infrastructure provided the Housing Authority has begun construction by July 31, 2003.

***By a vote of 6/1, the City Council approved this item at the January 9, 2003 City Council Work Session. Council Member Best voted no on this item.***

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**SUBJECT: LEAD CONTRACTS**

To authorize the City Manager to execute contracts in the maximum amounts of \$100,000 for lead testing, \$500,000 in lead abatement and \$600,000 in housing rehabilitation that will permit the department to reach its goals under the HUD grant; and

To adopt a Grant Project Ordinance amending Ordinance #12500 U. S. Department of Housing and Community Development Lead-Based Paint Hazard Control Program; and

To authorize the City Manager to make modifications to the contracts before execution, provided the amount and intent of the contracts remain consistent with this agenda item memorandum [memorandum dated December 19, 2002].

***By a vote of 7/0, this item was approved by the City Council at the January 9, 2003 Work Session. Ordinance #12732***

**SUBJECT: EXPEDITED REZONING REQUEST FOR THE COMMUNITY SCHOOL FOR CHILDREN**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve an expedited rezoning request from Commercial Trades to General Commercial for the Community School for Children was approved at 7:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: EXCELLENCE BY CHOICE TECHNOLOGY PLANNER**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to exercise the second year option with Excellence By Choice for \$65,000 to provide Computer Technology Planning for the Parks and Recreation Department; and

To authorize the City Manager to make changes to the second year option before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of the second year option was approved at 7:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: AGREED UPON PROCEDURES FOR JOINT CITY/COUNTY PROJECTS**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to accept the Agreed-Upon Procedures Report for Inter-local Remittance Amounts related to collections received for the calendar year 2001 and prior was approved at 7:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council

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Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: BUDGET SETTING FY 2003-04 PUBLIC HEARING ON BUDGET**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to set a public hearing on February 3, 2003 to receive public comment on the City of Durham's FY 2003-04 Budget was approved at 7:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: MOBILIZATION COSTS FOR THE AMERICAN TOBACCO PROJECT**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to purchase \$490,000 of pre-cast concrete and additional design costs for the north parking garage was approved at 7:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**[ITEMS PULLED FROM CONSENT AGENDA]**

**SUBJECT: DOWNTOWN DESIGN REVIEW TEAM - APPOINTMENTS**

LaVonnia Allison, representing DCABP, requested the administration to provide total membership and demographics for the newly established board.

**MOTION** by Council Member Stith seconded by Council Member Edwards to appoint the following individuals to the Downtown Design Review Team was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Caleb A. Southern (representing resident-term expiring January 31, 2004)  
John Warasila (representing Business Owner-term expiring January 31, 2005)

**SUBJECT: MAJOR SITE PLAN - SOUTHPOINT VILLAGE (CASE # D02-496)**

LaVonnia Allison, representing DCABP, raised a concern with the number of apartments being built and its occupancy level.

**MOTION** by Council Member Stith seconded by Council Member Edwards to approve a major site plan, submitted by the John R. McAdams Company, on behalf of Southpoint Crosland LLC, consisting of the construction of 289 apartment units on a 22.9 acre portion of a 27.34 acre tract, zoned RM 8(D), and RM 20(D) and F/J-B, located on the

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east side of Fayetteville Road, south of I-40 and Highway 54. (Tax map 526-01-006, 525-01-011, 011A, 011B, 011C and 526-02-006) (PIN 0718-04-83-1577, 0718-04-72-9823, 0718-04-93-7439, 0718-04-82-2492, 0718-04-81-4808), City Atlas: Page 49, Sections D-3 and D-4 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: BIDS - ESTIMATED ANNUAL REQUIREMENTS FOR ASPHALTIC CONCRETE - CAROLINA SUNROCK CORPORATION**

To accept the bid from Carolina Sunrock Corporation in the amount of \$151,600 for providing the City with its Estimated Annual Requirements for Asphaltic Concrete; and

To authorize the City Manager to enter into a contract with Carolina Sunrock Corporation in the amount of \$151,600 for providing the City with its Estimated Annual Requirements for Asphaltic Concrete; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract.

Bob Novak, of 5500-89A Fortunes Ridge, asked that a second source be provided since Sunrock is a single source supplier.

A motion was made by Council Member Clement to refer this item to the City Council Work Session for further discussion. Motion dies for a lack of a second.

Council Member Edwards asked the administration to provide information on the second source at the January 23, 2003 City Council Work Session.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to accept the bid from Carolina Sunrock Corporation in the amount of \$151,600 for providing the City with its Estimated Annual Requirements for Asphaltic Concrete; and

To authorize the City Manager to enter into a contract with Carolina Sunrock Corporation in the amount of \$151,600 for providing the City with its Estimated Annual Requirements for Asphaltic Concrete; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: Council Member Clement. Absent: None.

**SUBJECT: 2003 LEGISLATIVE PROGRAM**

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To approve the recommendations of the Legislative Committee regarding the legislative program outline; and

To approve the revisions to the legislative program calendar as recommended by the Legislative Committee.

Bob Novak, of 5500-89A Fortunes Ridge, spoke in opposition to Item 8 [Motor Vehicle Tax Increase] under Charter Amendments/Local Bills noting the fee would be regressive.

Council Member Stith requested that Item 8 [Motor Vehicle Tax Increase] under I. Charter Amendments/Local Bills be severed.

Relative to Charter Amendments/Local Bills Item 3 [Police Officers' Disciplinary Hearing Board], Council Member Stith asked the administration if this item should be held as a placeholder.

City Manager Conner noted the administration is getting close to a resolution concerning this matter.

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cheek to approve the recommendations of the Legislative Committee [Charter Amendments/Local Bills - Items 2; 4; 5; 6; 7; and 10] regarding the legislative program outline was approved at 7:37 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Clement, Cole-McFadden, Edwards and Stith. Noes: Council Member Best. Absent: None.

Relative to General Law Item 2 [Alcoholic Beverages], Council Member Clement requested the administration to bring back a report on restricting the sale of alcoholic beverages in critical/fragile/redevelopment areas of the community.

City Manager Conner noted the administration will provide a report before the legislation program is adopted on March 3, 2003.

Council Member Clement made comments about a school board member asking for Council's assistance in seeking legislative support concerning an issue.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Edwards to approve the recommendations of the Legislative Committee [General Law – Items 1-5] regarding the legislative program outline; and to approve the revisions to the legislative program calendar as recommended by the Legislative Committee was approved at 7:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

At this time, discussion was held on Item #8 that was severed.

I. Charter Amendments/Local Bills – Item #8 [Motor Vehicle Tax Increase]

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A motion was made by Council Member Stith seconded by Council Member Edwards to authorize the City to increase the registration fee. Also, he noted that he would be voting against this item due to the economy.

Council Member Stith asked the administration what would the funds be utilized for.

City Manager Conner noted one of the uses of the funding would be to support local transportation.

Council Member Clement spoke in favor of this item to support bus transportation operations.

Several Council Members spoke in opposition to this item.

**SUBSTITUTE MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Clement to approve the inclusion of Item #8 in the 2003 Legislative Program Outline [to authorize the City to increase the amount of tax on motor vehicles from five dollars to an amount not to exceed twenty dollars, with these revenues to be used for local transportation needs] was approved at 7:55 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Clement and Cole-McFadden. Noes: Council Members Best, Edwards and Stith. Absent: None.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Clement to approve Resolutions in support of Items 1 through 4 under the category Other in the 2003 Legislative Program Outline was approved at 7:56 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

## **2003 LEGISLATIVE PROGRAM OUTLINE**

### **I. CHARTER AMENDMENTS/LOCAL BILLS**

2. Clarify the authority of the City to require sidewalks as a part of development approvals – from Public Works Department.
4. Authorize the City to expedite proceedings against chronic violators of the City's removal of trash/overgrown vegetation ("weedy lot") ordinance –from Housing Department.
5. Allow the City Council to delegate authority to the Housing Appeals Board to hear appeals from administrative orders under the "weedy lot" ordinance – from City Attorney's office.
6. Allow the City Council to delegate to the City Manager the authority to make decisions on routine traffic control measures such as the location of stop signs, yield signs and turn restrictions, as well as decisions on use of the street rights of ways such as the location of loading zones, bus stops and parking restrictions – from Public Works Department.

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7. Allow retired uniformed members of the Fire Department to serve on the Board of the Durham Firemen's Supplemental Retirement System, and to change the name from "Firemen" to "Firefighters" – from Chair of the Board of the System.
8. Authorize the City to increase the amount of tax on motor vehicles from five dollars to an amount not to exceed twenty dollars, with these revenues to be used for local transportation needs – from Mr. Clement.
10. Authorize the City to annex roads, streets and other public or quasi-public rights of way when property within the City limits is on a portion of both sides of the road or rights of way – from Budget Department.

## **II. GENERAL LAW**

1. Authorize administrative search warrants to be served at hours other than from 8:00 a.m. to 8:00 p.m. where there is probable cause to believe that the activity which justifies the warrant is occurring at other times - from City-County Planning Department.
2. Authorize local governments to prohibit the sale of alcoholic beverages from business establishments whose alcoholic beverage sales are in excess of 50% of the total annual sales of the business, where the business is located within 300 feet of a public or private school - from City Manager.
3. Authorize local governments to extend the current prohibition on possession of a firearm on school property, to include the area within 300 feet surrounding the school property – from Police Department.
4. Clarify the authority of municipalities to regulate the rates tow operators charge for nonconsensual tows of vehicles on private property – from Towing Subcommittee.
5. Clarify the authority of municipalities to require the owners of nonresidential property to maintain the exterior of buildings in good condition and to make the cost of such repairs, if not made by the owner, a lien on the property – from City Attorney's office.

## **III. OTHER**

1. Resolution in support of amending state law to provide individuals with a history of substance abuse an alternative to a mandatory sentence of incarceration under the habitual felon program, with the alternative consisting of mandatory confined treatment in an approved institutional facility – from Ms. Edwards.
2. Resolution in support of having the General Assembly establish a legislative study commission to study and consider recommending changes to the current process of appointing, supervising and dismissing magistrates – from Police Department.
3. Resolution in support of having the General Assembly establish a legislative study commission to study the issue of placing underground utility lines such as electric and telephone, especially in urban areas, and the manner and extent to which the costs of doing so should be passed through to utility customers – from Public Works Department.
4. Resolution in support of proposal from the District 2 Partners Against Crime to change the ABC laws to allow local governments additional authority to regulate establishments that sell or serve alcoholic beverages.

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**LEGISLATIVE PROGRAM CALENDAR**

January 21 Council approval of legislative program outline

January 29 General Assembly convenes for the 2003 session

January 22 to February 14

City Attorney conducts and completes research, and drafts legislative program

February 23 Legislative program presented at Work Session meeting

March 3 Council approval of legislative program

March 4-10 City Manager schedules special Council meeting with legislators to present legislative program (meeting may be a joint meeting with County)

**[GENERAL BUSINESS AGENDA]**

**SUBJECT: EXECUTION OF CONTRACT WITH CENTRAL PARKING SYSTEMS FOR THE MANAGEMENT OF THE CITY'S OFF-STREET PARKING PROGRAM AND PARKING ENFORCEMENT**

Mark Greenspan, Property & Facilities Manager, made comments on this item outlining staff's recommendation.

Richard Smith, of 1702 N. Roxboro Street, commented on parking enforcement and the difference in the fines for parking in handicap spaces throughout Durham. He asked that the City be standardized.

The following individuals spoke in support of this item: Robert Civek, Bill Kalkhof, Ken Lile and Sherry DeVries.

LaVonnia Allison asked what is going to happen to the current City employees working in the Parking Division.

Mark Greenspan, Property & Facilities Manager, noted efforts are being made to place all full-time employees within the City organization and to-date, five of eight full-time employees have been placed. Also, he noted the proposal contractually guarantees employment for anyone we cannot place within the City organization at the current rate of pay.

Stephen McLaurin, representing McLaurin Parking Company, spoke in opposition to this item noting the proper selection for this assignment is McLaurin Parking Company. He made comments about McLaurin's qualifications, outlined key points that staff's

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recommendation did not take into consideration relative to Central Parking, noted staff's failure to recognize its own rules can have an impact on the future RFPs and bids for Durham. Also, he noted McLaurin Parking Company is \$86,524 less than Central Parking.

Theresa El-Amin, of 17 Balmoray Court, expressed a concern with Central Parking and its relationship with their employees and the prioritizing of public services.

Sandra Baldwin, part-time employee of City, raised a concern about the status of her position and what kind of job she will be doing.

Mark Greenspan, Property & Facilities Manager, noted if Council approves this item, the administration will move into a transition plan and begin to look at placing employees into identified positions.

Council held discussion on job descriptions, reference checks, and treatment of employees.

Council Member Cole-McFadden noted there needs to be some clarification for the employees so that they will know what they will be doing and if they are qualified.

Robert Civek, of Central Parking, made comments regarding job descriptions, training and noted employees are treated fairly. He noted part-time positions are available for various positions but Central Parking has more full-time positions than the City offers currently.

Council Member Clement asked if there is an appellate process for employee relations.

Robert Civek, of Central Parking, replied yes.

Ken Pennoyer, Acting Finance Director, briefed Council on the financial analysis for McLaurin and Central Parking discussing the differences which are outlined in Attachments E & G. He noted that Central Parking is \$63,475 lower than McLaurin's estimate.

Council held discussion on security cost.

Council Member Stith raised concern with the process.

Council Member Best asked the administration if they have rechecked the numbers based on McLaurin's concerns. Relative to the addendum process, he noted that he asked the City Attorney to propose a department-wide form to address this concern.

Ken Pennoyer, Acting Finance Director, replied yes.

City Attorney Blinder briefed Council on legal review concerning the process.

A motion was made by Mayor Pro Tempore Cheek seconded by Council Member Best to approve the item as printed.

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Mayor Bell spoke in support of this item; however, he raised a concern with the security issue. He asked the administration to review the issue to see what the City is receiving for \$186,000.

Council Member Cole-McFadden asked Theresa El-Amin to provide more information concerning the union issue.

**SUBSTITUTE MOTION** by Council Member Stith seconded by Council Member Cole-McFadden to rebid this item for 14 days [management of the city's off-street parking program and parking enforcement] **FAILED** at 8:51 by the following vote: Ayes: Council Members Cole-McFadden and Stith. Noes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement and Edwards. Absent: None.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Best to authorize the City Manager to execute a contract with the Central Parking Systems of North Carolina, Inc. to provide professional parking management services to be compensated as outlined in the contract; and

To authorize the City Manager to make changes to the contract before executing it if the changes do not increase the dollar amount of the contract, and do not decrease the goods and services to be provided to the City was approved at 8:51 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Edwards. Noes: Council Member Stith. Absent: None.

**SUBJECT: FY 2002-03 BUDGET AMENDMENT ORDINANCE**

Julie Brenman, Budget Director, made comments on this item. She noted the administration is recommending using the fund balance to increase the employer contribution to the 401-K from 3% to 5% and noted additional information has been provided concerning the carryovers.

Mayor Pro Tempore Cheek asked the administration if the fund balance is 10.6% at this point.

Julie Brenman, Budget Director, replied yes.

The following individuals spoke in support of the administration re-instating the City's contribution to the 401-K from 3% to 5%: Stuart Carson, Bambi Wilson, Thad Talisman, Roy Brockwell, Robin Bibby, Robert Cushman, Rodney Collins and John Read.

Sherry DeVries, representing the Durham Arts Council, spoke in support of a budget carryover urging Council to approve funds to upgrade their HVAC system.

Discussion was held by Council on employer contribution and fund balance.

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A motion was made by Council Member Clement seconded by Council Member Cole-McFadden to approve an increase in the City's contribution to the 401K from 3% to 5% and to approve the carryover to upgrade DAC's HVAC system.

Mayor Pro Tempore Cheek noted it is essential that the City stay above the 10% fund balance level to preserve AAA bond rating.

**SUBSTITUTE MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance amending the 2002-03 City of Durham's Budget Ordinance, the same being Ordinance #12575 was approved at 9:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Note: Adoption of ordinance reinstates City's contribution to the 401-K from 3% to 5%.

**Ordinance #12733**

**[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]**

**SUBJECT: RECEIVE COMMENTS FROM PUBLIC HEARINGS AND  
CONSIDER ADOPTION OF ORDINANCES RELATED TO  
VOLUNTARY ANNEXATION PETITIONS SUBMITTED PRIOR  
TO OCTOBER 1, 2002**

Julie Brenman, Budget Director, made comments on this item and noted if this property is annexed with the proposed zoning there would be a negative tax impact for the City.

Mayor Bell opened the public hearing.

Discussion was held on why the City is being asked to annex this property.

Dan Jewel, representing the applicant, noted the applicant is required to apply for voluntary annexation as a condition for applying for water and sewer extension with the City.

Council Member Clement spoke in opposition to this item.

Mayor Bell asked the administration what prevents the City from extending water & sewer and what has to be done to extend water & sewer to the property.

Katie Kalb, Public Works Director, noted Council in the past did not want to provide water & sewer service to someone who was not in the City limits unless they were annexed.

Mayor Bell asked the administration why can't the City Council if they want to extend water and sewer to this area if Council says I don't want to annex you but may in the

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future and is willing to allow the applicant to pay double water and sewer rates and the cost of extending lines.

Katie Kalb noted this could happen but Council would need to turn down the request for annexation.

Mayor Bell asked the applicant what would be their position on the City turning down the request for annexation and the school administration coming back to ask for water and sewer if they are willing to pay the cost of extending lines to the property.

A representative of the Durham Public Schools stated the school administration does not at this point place an emphasis on being in the city limits or not. Our primary interest is on water and sewer to that facility.

Council held discussion on future annexations.

Council Member Clement spoke in favor of the long-standing policy of various Councils -- not extending water and sewer to areas that are unwilling to be annexed. Also, he noted it is a matter of fairness and to depart from this policy will have a discriminatory consequence.

LaVonnia Allison, representing DCABP, expressed concern with this item urging Council to vote against the voluntary annexation of Elementary A [Durham Public Schools].

Mayor Bell declared the public hearing closed.

Mayor Bell noted he would be voting against this item because of the negative cash flow.

Mayor Pro Tempore Cheek asked the administration since the applicant has met the condition of a valid petition, Council can turn the annexation down tonight and they still get their water and sewer.

Katie Kalb, Public Works Department, replied yes.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive citizen comments on public hearings for Elementary A (Durham Public Schools); and

To adopt ordinances annexing Elementary A (Durham Public Schools) in accordance with N.C. General Statutes 160A-58 and 160A-31 effective February 28, 2003; and

To authorize the City Manager to pay the debt service of the Parkwood Volunteer Fire Department (VFD) in connection with the Elementary A (Durham Public Schools) annexation area **FAILED** at 9:47 p.m. by the following vote: Ayes: None. Noes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Absent: None.

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**SUBJECT: STREET CLOSING - GRANT STREET (CASE SC02-8) –  
MONUMENT OF FAITH CHURCH OF GOD OF PROPHECY –  
SOUTH OF SIMMONS STREET, EAST OF LINCOLN STREET**

Frank Duke, City/County Planning Director, briefed Council on the staff report.

Mayor Bell opened the public hearing and no one spoke in support or against this street closing. The Mayor declared the public hearing closed.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Best to hold a public hearing and receive public comment; and

To adopt an order to close 257.36 linear feet of Grant Street was approved at 9:48 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**Ordinance #12739**

**SUBJECT: STREET CLOSING CASE SC00-5 - PORTIONS OF BURCH AND  
WILKERSON AVENUES - IMMACULATE CONCEPTION  
CHURCH – BETWEEN BUCHANAN STREET AND THE  
DURHAM FREEWAY, NORTH OF CHAPEL HILL STREET**

Frank Duke, City/County Planning Director, briefed Council on the staff report.

Mayor Bell opened the public hearing and no one spoke in support or against this street closing. The Mayor declared the public hearing closed.

**MOTION** by Council Member Best seconded by Council Member Cole-McFadden to hold a public hearing and receive public comment; and

To adopt an order to close 354.06 linear feet of Burch Avenue and 83.83 linear feet of Wilkerson Avenue was approved at 9:49 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**Ordinance #12740**

**SUBJECT: STREET CLOSING CASE SC01-4A - ALLEY SOUTH FROM  
KNOX STREET BETWEEN AND PARALLEL WITH ONSLOW  
STREET AND BERKELEY STREET – CITY OF DURHAM  
(DEPARTMENT OF HOUSING)**

Frank Duke, City/County Planning Director, briefed Council on the staff report.

Mayor Bell opened the public hearing.

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Marc Smith, representing St. John's Missionary Baptist Church, spoke in support of street closing.

The Mayor declared the public hearing closed.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Edwards to hold a public hearing and receive public comment; and

To adopt an order to close 500 feet of an unnamed alley running south from Knox Street was approved at 9:51 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**Ordinance #12741**

**SUBJECT: STREET CLOSING CASE SC01-4 - UNNAMED ALLEYS IN WALLTOWN AREA - CITY OF DURHAM (DEPARTMENT OF HOUSING) – ALLEY RUNNING FROM CLUB BOULEVARD TO ENGLEWOOD AVENUE, BETWEEN AND PARALLEL WITH BERKELEY STREET AND ONSLOW STREET (590'+); ALLEY RUNNING FROM ENGLEWOOD STREET NORTH 250'+, BETWEEN AND PARALLEL WITH LANCASTER STREET AND BUCHANAN STREET; CENTER PORTION (300'+) OF ALLEY SOUTH OF KNOX STREET, BETWEEN AND PARALLEL WITH CLARENDON STREET AND SEDGEFIELD STREET; ALLEY RUNNING SOUTH 450'+, FROM F STREET, BETWEEN AND PARALLEL WITH CLARENDON STREET AND SEDGEFIELD STREET; CENTER PORTION (300'+) OF ALLEY NORTH OF CLUB BOULEVARD, BETWEEN AND PARALLEL WITH SEDGEFIELD STREET AND BERKELEY STREET**

Frank Duke, City/County Planning Director, briefed Council on the staff report.

Council held discussion on reason for alley closures.

Mayor Bell opened the public hearing and no one spoke in support or opposition to the closing of alleys. The Mayor declared the public hearing closed.

**MOTION** by Council Member Clement seconded by Council Member Stith to hold a public hearing and receive public comment; and

To adopt orders to close five alleys in the Walltown area was approved at 9:56 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**Ordinance #12742 – 12743 – 12744 – 12745 - 12746**

**JANUARY 21, 2003**

**SUBJECT: REZONING MATTER CASE P02-33 – CRAIGE MOTORS–  
DARRYL HICKLEN AND WALT WINFREY – SOUTHEASTERN  
QUADRANT AT THE INTERSECTION OF LAKEWOOD  
AVENUE AND DUKE STREET**

To receive public comment on rezoning Case P02-33 (Craig Motors); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-33 out of NC, R-8 and placing same in and establishing same as GC(D).

Zoning Committee Recommendation and Vote: Approval - (7-0)

Planning Department Recommendation: Approval

Frank Duke, City/County Planning Director, briefed Council on the staff report. He noted there is a development plan outlining permitted uses, the landscaping issues have been resolved at the Zoning Committee and outlined staff's recommendation of approval.

Mayor Bell opened the public hearing.

**Proponents**

George Stanziale, representing the applicant, spoke in support of this rezoning. He made comments about the development plan which reduces the uses from 57 to 18 which is compatible with the neighborhood. Also, he noted proposal is consistent with the 2020 and Southwest Central Durham plans and all revisions requested by staff and the Zoning Committee have been made.

Blaine Butterworth, of 1109 Vickers Avenue, noted he would like to have the rezoning approved subject to development plan. He requested that the development plan be modified to the full extent that the trees would help screen the appearance of the commercial area.

Frank Duke, Planning Director, made comments about the Morehead Hill Historic District Plan and noted the administration looked at ensuring compliance through the development plan with the street tree requirements and the landscaped provisions for an automobile lot as well as the buffers for the properties that are adjacent as opposed to trying to impose a new standard.

**Opponent**

Lynn Hohn, of 1014 Shepherd Street, spoke in opposition urging Council to make sure that the change is done in a way that meliorate the impact of the surrounding historic district.

**Rebuttal**

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George Stanziale, representing the applicant, noted the development plan agrees to bring the landscape up to current landscape standards and made comments about the security lighting. Also, he stated that he does not know what can be done to enhance the area than what has already been agreed to.

Mayor Bell declared the public hearing closed.

Frank Duke, City/County Planning Director, made comments about working with the applicant to improve the landscaping which was a major concern of staff. He noted issues have been resolved at the Zoning Committee meeting.

**MOTION** Council Member Stith seconded by Council Member Edwards to receive public comment on rezoning Case P02-33 (Craig Motors); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-33 out of NC, R-8 and placing same in and establishing same as GC(D) was approved at 10:07 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: INITIAL ZONING MATTER CASE P02-42 – BENNINGTON – WILLIAM D. JOHNSON, FRED AND PAGE FEUDALE AND AGENT SPAULDING & NORRIS, P.A. – 34.745 EAST OF CHANDLER ROAD, NORTH OF BREEDLOVE AND NC 98, WEST OF CLAYTON ROAD**

To receive public comment on initial zoning for Bennington (Case P02-42); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in initial zoning Case P02-42 out of R-20 (County) and placing same in and establishing same as R-20 (City).

Planning Department Recommendation: Approval

Frank Duke, City/County Planning Director, briefed Council on the staff report.

Mayor Bell opened the public hearing and no one spoke in support or against this rezoning. The Mayor declared the public hearing closed.

**MOTION** by Council Member Clement seconded by Council Member Edwards to receive public comment on initial zoning for Bennington (Case P02-42); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in initial zoning Case P02-42 out of R-20 (County) and placing same in and establishing same as R-20 (City) was approved at

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10:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: INITIAL ZONING MATTER CASE P02-46 - NC 55/SEDWICK PROPERTY – TICON INC. AND AGENT, RL HORVATH ASSOCIATES, INC. – 20.396 ACRES ON EAST SIDE OF NC 55**

To receive public comment on initial zoning for NC 55/Sedwick Property (Case P02-46).

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in initial zoning Case P02-46 out of RD and NC (County) and placing same in and establishing same as RD and NC (City).

Planning Department Recommendation: Approval

Frank Duke, City/County Planning Director, briefed Council on the staff report.

Mayor Bell opened the public hearing and no one spoke in support or opposition to this rezoning. The Mayor declared the public hearing closed.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive public comment on initial zoning for NC 55/Sedwick Property (Case P02-46); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in initial zoning Case P02-46 out of RD and NC (County) and placing same in and establishing same as RD and NC (City) was approved at 10:12 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: INITIAL ZONING MATTER CASE P02-47 - LEXINGTON PARK – DIAKO CONSTRUCTION AND AGENT TONY M. TATE LANDSCAPE ARCHITECTURE – 11.2 ACRES ON THE WEST SIDE OF FAYETTEVILLE ROAD, NORTH OF SCOTT KING ROAD, ADJACENT TO CHANCELLOR’S RIDGE DEVELOPMENT**

To receive public comment on initial zoning for Lexington Park (Case P02-47).

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in initial zoning Case P02-47 out of RD (County) and placing same in and establishing same as RD (City).

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Planning Department Recommendation: Approval

Frank Duke, City/County Planning Director, briefed Council on the staff report.

Mayor Bell opened the public hearing and no one spoke in support or opposition to this rezoning. The Mayor declared the public hearing closed.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive public comment on initial zoning for Lexington Park (Case P02-47); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in initial zoning Case P02-47 out of RD (County) and placing same in and establishing same as RD (City) was approved at 10:12 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: INITIAL ZONING MATTER CASE P02-51 – EAGLE’S POINTE PHASE III – BARRINGER ENTERPRISES, INC. AND AGENT, DUANE K. STEWART & ASSOCIATES, INC. – 19.51 ACRES ON WEST SIDE OF NC 751, EAST OF CORPS PROPERTY**

To receive public comment on initial zoning for Eagle’s Pointe Phase III (Case P02-51).

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in initial zoning Case P02-51 out of R-10 (County) and placing same in and establishing same as R-10 (City).

Planning Department Recommendation: Approval

Frank Duke, City/County Planning Director, briefed Council on the staff report.

Mayor Bell opened the public hearing and no one spoke in support or opposition to this rezoning. The Mayor declared the public hearing closed.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Edwards to receive public comment on initial zoning for Eagle’s Pointe Phase III (Case P02-51); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in initial zoning Case P02-51 out of R-10 (County) and placing same in and establishing same as R-10 (City) was approved at 10:12 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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**SUBJECT: INITIAL ZONING MATTER CASE P02-40 – DAVIS HEIRS (“SOUTHPOINT TERRACE”) – DAVIS HEIRS (MARY D. HENDERSON, ANNIE D. WAGNER, BETSY D. WEATHERS, ROBERT BRUCE ARNOLD AND DAWN LEANNE STANTON) AND AGENT NEWSOM, GRAHAM, HEDRICK AND KENNON – 21.09 ACRES ON EAST SIDE OF NC 751, SOUTH OF RENAISSANCE PARKWAY, NORTH OF EAGLE POINT SUBDIVISION**

To receive public comment on initial zoning for Davis Heirs (“Southpoint Terrace”) (Case P02-40).

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in initial zoning Case P02-40 out of RD (County) and placing same in and establishing same as RD (City).

Planning Department Recommendation: Approval

Frank Duke, City/County Planning Director, briefed Council on the staff report.

Mayor Bell opened the public hearing and no one spoke in support or opposition to this rezoning. The Mayor declared the public hearing closed.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive public comment on initial zoning for Davis Heirs (“Southpoint Terrace”) (Case P02-40); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in initial zoning Case P02-40 out of RD (County) and placing same in and establishing same as RD (City) was approved at 10:12 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: INITIAL ZONING MATTER CASE P02-41 – ROSA BELVINS PROPERTY (HEBRON ROAD) – ROSA BELVINS PROPERTY, LLC, - 142.76 ACRES ON THE SOUTH SIDE OF HEBRON ROAD, BOTH SIDES OF DANUBE LANE**

To receive public comment on initial zoning for Rosa Belvins Property (Case P02-41).

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in initial zoning Case P02-41 out of R-20 (County) and placing same in and establishing same as R-20 (City).

Planning Department Recommendation: Approval

**JANUARY 21, 2003**

Frank Duke, City/County Planning Director, briefed Council on the staff report.

Mayor Bell opened the public hearing and no one spoke in support or opposition to this rezoning. The Mayor declared the public hearing closed.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive public comment on initial zoning for Rosa Belvins Property (Case P02-41); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in initial zoning Case P02-41 out of R-20 (County) and placing same in and establishing same as R-20 (City) was approved at 10:12 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: INITIAL ZONING MATTER CASE P02-64 – MARENA PLACE –  
EPHESUS CHURCH ROAD DEVELOPMENT LLC AND AGENT  
RL HORVATH ASSOCIATES, INC. – 8.182 ACRES ON NORTH  
SIDE OF EPHESUS CHURCH ROAD, EAST OF POPE ROAD**

To receive public comment on initial zoning for Marena Place (Case P02-64).

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in initial zoning Case P02-64 out of R-20; F/J-B (County) and placing same in and establishing same as R-20; F/J-B (City).

Planning Department Recommendation: Approval

Frank Duke, City/County Planning Director, briefed Council on the staff report.

Mayor Bell opened the public hearing and no one spoke in support or opposition to this rezoning. The Mayor declared the public hearing closed.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive public comment on initial zoning for Marena Place (Case P02-64); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in initial zoning Case P02-64 out of R-20; F/J-B (County) and placing same in and establishing same as R-20; F/J-B (City) was approved at 10:12 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: INITIAL ZONING MATTER CASE P02-65 – HOPE CREEK  
CHURCH - HOPE CREEK CHURCH OF THE NAZARENE, INC.  
– 0.68 ACRES ON SOUTH/EAST SIDE OF ERWIN ROAD**

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To receive public comment on initial zoning for Hope Creek Church (Case P02-65).

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in initial zoning Case P02-65 out of R-20 (County) and placing same in and establishing same as R-20 (City).

Planning Department Recommendation: Approval

Frank Duke, City/County Planning Director, briefed Council on the staff report.

Mayor Bell opened the public hearing and no one spoke in support or opposition to this rezoning. The Mayor declared the public hearing closed.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive public comment on initial zoning for Hope Creek Church (Case P02-65); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in initial zoning Case P02-65 out of R-20 (County) and placing same in and establishing same as R-20 (City) was approved at 10:12 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: INITIAL ZONING MATTER CASE P02-66 – FARRINGTON ROAD BAPTIST CHURCH - FARRINGTON ROAD BAPTIST CHURCH AND AGENT MICHAEL HINING ARCHITECTS – 5.943 ACRES BETWEEN FARRINGTON ROAD AND CRESCENT DRIVE, NORTH OF NC54, WEST OF I-40, SOUTH OF CLEORA DRIVE**

To receive public comment on initial zoning for Farrington Road Baptist Church (Case P02-66).

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in initial zoning Case P02-66 out of R-20 (County) and placing same in and establishing same as R-20 (City).

Planning Department Recommendation: Approval

Frank Duke, City/County Planning Director, briefed Council on the staff report.

Mayor Bell opened the public hearing and no one spoke in support or opposition to this rezoning. The Mayor declared the public hearing closed.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive public comment on initial zoning for Farrington Road Baptist Church (Case P02-66); and

**JANUARY 21, 2003**

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in initial zoning Case P02-66 out of R-20 (County) and placing same in and establishing same as R-20 (City) was approved at 10:13 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: INITIAL ZONING MATTER CASE P02-67 – MAIDA VALE - PLAZA ASSOCIATES, INC. TRE-SORELLI, LTD, MAIDA VALE, LLC, SAMUEL LONGIOTTI, JASPER AND BARBARA ELLIOTT, AND AGENT RL HORVATH ASSOCIATES, INC. – 43.75 ACRES ON SOUTH AND WEST SIDES OF EPHEBUS CHURCH ROAD, WEST OF GEORGE KING ROAD**

To receive public comment on initial zoning for Maida Vale (Case P02-67).

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in initial zoning Case P02-67 out of RD and R-20 (County) and placing same in and establishing same as RD and R-20 (City).

Planning Department Recommendation: Approval

Frank Duke, City/County Planning Director, briefed Council on the staff report.

Mayor Bell opened the public hearing and no one spoke in support or opposition to this rezoning. The Mayor declared the public hearing closed.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive public comment on initial zoning for Maida Vale (Case P02-67); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in initial zoning Case P02-67 out of RD and R-20 (County) and placing same in and establishing same as RD and R-20 (City) was approved at 10:13 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: INITIAL ZONING MATTER CASE P02-68 – BRASSFIELD - TICON PROPERTIES, LLC; RW MANAGEMENT, LLC AND RL HORVATH ASSOCIATES, LLC – 24.148 ACRES ON NORTHWEST CORNER OF PAGE AND LUMLEY ROADS**

To receive public comment on initial zoning for Brassfield (Case P02-68).

**JANUARY 21, 2003**

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in initial zoning Case P02-68 out of I-2(D) (County) and placing same in and establishing same as I-2(D) (City).

Planning Department Recommendation: Approval

Frank Duke, City/County Planning Director, briefed Council on the staff report.

Mayor Bell opened the public hearing and no one spoke in support or opposition to this rezoning. The Mayor declared the public hearing closed.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive public comment on initial zoning for Brassfield (Case P02-68); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in initial zoning Case P02-68 out of I-2(D) (County) and placing same in and establishing same as I-2(D) (City) was approved at 10:13 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Clement, Cole-McFadden, Edwards and Stith. Noes: Council Member Best. Absent: None.

There being no further business to come before the City Council, the meeting was adjourned at 10:13 p.m.

Linda E. Bratcher  
Deputy City Clerk

D. Ann Gray, CMC  
City Clerk